

Election who was then present concurred. They then and there refused to receive their ballots, giving as their reason that they were the official ballots for another precinct and could not be used without an alteration, which alteration, in their judgment, would destroy their validity. This announcement was publicly made, whereupon many voters left, a majority of them being Democrats. Upon this decision being rendered, the remaining judge of election, who was the Republican Judge selected, two of the by-standers to whom he administered an oath, and another by-stander who was also sworn to act respectively as judges and ballot clerk, to take the place of the officials who had refused to hold the election as aforesaid. The oath administered was not the oath prescribed by law, nor was it read to them. Now, here occurs the last act to be considered. This consisted in a change or alteration in the printed and official endorsement upon the ballot so as to make it conform with the number of the precinct at which it was to be used. This alteration was made with pen and ink, by drawing a line through the printed word first, and writing over it the word second upon each ballot, which ballot so altered and changed were received by the Republican Judge and the two Judges who had been appointed by him, from all who offered to vote. The election so held continued until 6 P. M., when it was found that 378 of these altered ballots had been cast. It can be assumed that the average vote of the contestant was 350, and that of the contestees 28. The registered vote of St. Leonard's Precinct is 669. The average majorities of the contestees in the balance of the county, leaving out St. Leonard's Precinct, varies between 161 and 171 votes. It must be borne in mind that the voting at this precinct did not commence until 12.30 P. M., or nearly five hours after the time appointed by law for the election to open. These are the facts briefly stated.

*The Law as Applicable to the Facts.*

Were the officers who held the election at the Second Precinct of the First Election District of Calvert county properly qualified under the law so to hold an election? The election laws of this State prescribe the officers who